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July 1, 2022

VIA ECF

Hon. Magistrate Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl St.
New York, New York 10007



Re: *One Step Up, Ltd.. v. Empire Apparel LLC et al.*, 21-cv-05392

Dear Judge Lehrburger:

We are counsel for Plaintiff One Step Up, Ltd. ("Plaintiff") in the above-referenced action (the "Action"). We write, jointly with counsel for Defendant Empire Apparel LLC, Assaf Cohen and Stephanie Goldman (collectively, the "Defendants") to respectfully request that the Court so Order the annexed stipulations: 1) an ESI stipulation; and; 2) a stipulation revising the deadlines in the Civil Case Management Plan and Scheduling Order by approximately sixty (60) days [ECF Dkt. No. 40] (the "Scheduling Order").

With the exception of Stephanie Goldman, the parties in this Action overlap with the parties in the New York State Supreme Court Action captioned *Empire Apparel LLC v. One Step Up, Ltd.* Index No. 652901/2020 that has been pending since mid 2020 (the "State Court Action"). In the State Court Action, the parties entered an ESI Stipulation in the same form as the one annexed hereto and exchanged voluminous ESI productions that encompass many relevant documents that relate to this Action.

So as to minimize the need for reproducing ESI already produced in the State Court Action, the parties have agreed that they will not reproduce ESI already produced in the State Court Action. The parties further agree to use the same form ESI Stipulation as they entered in the State Court Action (with the exception of amending the keyword searches and time period for responsive documents). The parties agree that new productions responsive to new keyword searches in this Action will be produced in the same format as ESI in the State Court Action.

The parties respectfully request that the Court so order the annexed ESI stipulation. Additionally, the parties require additional time to exchange ESI productions in this Action, review such productions for responsiveness and conduct depositions. Therefore, the Parties respectfully request that the Court so order certain changes be made to the existing Scheduling Order. Specifically, the Parties respectfully request that the deadlines in the Scheduling Order be

extended by approximately 60 days to accommodate the need for exchanging and reviewing ESI and conducting depositions. A stipulation containing a revised schedule is annexed hereto for the Court's consideration. The Parties believe that these changes are necessary to fulfill their discovery obligations in this Action.

This is the Parties' third request to revise dates to the schedule governing this Action. The prior requests were necessitated by the parties filing of motions for leave to amend the pleadings (ECF ##25- 34, 37- 38), which order on this Court's Report and Recommendations (ECF #41) has not been entered to date.

We thank you for your time and consideration of this matter.

Respectfully submitted,


Yvette J. Sutton, Esq.

cc: All counsel of Record (via ECF)

SO ORDERED:

 _____ 7/1/2022

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE